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DECLARATION OF JESSE MERRITHEW IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE
OVERLENGTH BRIEF - 1
(Case No. 3:20-cv-00917-HZ)

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

DON'T SHOOT PORTLAND, et al.,

Plaintiffs,

vs.

CITY OF PORTLAND,

Defendant.

Case No. 3:20-cv-00917-HZ

**DECLARATION OF JESSE
MERRITHEW IN SUPPORT OF
PLAINTIFFS' UNOPPOSED
MOTION FOR LEAVE TO FILE
OVERLENGTH BRIEF**

I, Jesse Merrithew, declare under penalty of perjury under the laws of the United States of America pursuant to 28 USC § 1746 that the following is true and correct:

1. I am one of the attorneys representing the plaintiffs in this matter.

2. I make this declaration in support of *Plaintiffs' Unopposed Motion for Leave to File Overlength Brief*.

3. I have primary editing responsibilities for the brief at issue.

4. The defendant does not concede any aspect of the Rule 23 requirements for class certification are met in this case. Therefore, it is our burden to prove that each of the elements are met. While the legal argument in support of our motion is not particularly lengthy, laying out the necessary facts in support of that argument is.

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DECLARATION OF JESSE MERRITHEW IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE
OVERLENGTH BRIEF - 2
(Case No. 3:20-cv-00917-HZ)

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1 5. The current draft of the brief is 81 pages in length. Having reviewed it, I
2 believe I can cut the length to 75 pages and perhaps more. I will endeavor to make the brief as
3 succinct as possible, but I do need to ensure that we are giving the Court all the necessary
4 facts to make the findings under Rule 23. Therefore, I ask that the Court allow a brief of up to
5 75 pages.

6 **DATED** this 13th day of January, 2022.

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8 By: s/Jesse Merrithew
9 **Jesse Merrithew**, OSB No. 074564
10 **Of Attorneys for Plaintiffs**